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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,986	03/29/2000	Neil Roy Hinson	2098/61624	6357

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,986

Applicant(s)

HINSON, NEIL ROY

Examiner

HUY T NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-12 and 32-36 is/are allowed.
- 6) ☒ Claim(s) 1,13,15-31 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/00 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,13,15,16, 25,37- 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Washino (US 5999220).

Regarding claims 1 and 13, Washino teaches an editing system for storing a input moving image in a first format at a corresponding rate , producing an edited images for outputting at a second format at a corresponding rate (column 10, lines 45-65), the editing system comprises :

a random storage means for storing images of frames (414,412) (column 9, lines 60-68, column 10, lines 35-43)

an input circuit for receiving from a source data representing one or more sequences of image frames captured at a first frame rate, the data being received at an input data rate and representing each frame in a sequence as a first multiplicity of image lines which together form the image frame (column 10, lines 20-40)

an editing processor (416) for editing data read from the store at a processed data rate to produce data representing an edited sequence of image frames; and

an output circuit for outputting edited data representing an edited sequence of image frames at a second frame rate, the data being output at an output data rate and representing each frame in the edited sequence as a second multiplicity of image lines which together form the image frame (column 10, lines 25-33).

Regarding claim 15, Washino further teaches a sizing circuit for varying the number of lines between said first multiplicity and said second multiplicity in each frame as data is transferred to the output circuit (column 10, lines 25-33).

Regarding claims 16 and 25, Washino further teaches a monitor connected to receive data from the output circuit at said output data rate for display of said edited sequence thereon (Fig. 5).

Regarding claim 30, Washino further teaches a user operable input device; and wherein the editing processor is connected to the frame random access store and for processing data representing one or more image frames of one or more initial sequences in response to the user operable input device to produce processed data representing an processed, edited sequence, which processed data is stored in the frame-random access store (column 10, lines 25-68).

Regarding claims 31 and 37, Washino further teaches the one or more initial sequences are captured at a frame rate of 24 per second and each frame comprises 625 image lines, and the input circuit is arranged to receive the data and transfer the

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same to the store at an input rate substantially corresponding to 25 frames per second and 625 lines (column 9, lines 31-55, column 11) .

Regarding claim 38, Washino further teaches the processor is arranged to edit data at a processed data rate substantially corresponding to 24 frames per second and 625 lines, and the output circuit is arranged to output data at an output data rate substantially corresponding to the processed data rate (column 9, lines 31-55, column 11).

Regarding claim 39, Wasino further teaches the processor is arranged to edit data at a processed data rate substantially corresponding to 24 frames per second and 625 lines, and the output circuit is arranged to output data at an output data rate substantially corresponding to 30 frames per second and 525 line (column 9, lines 31-55, column 11).

Regarding claim 40, Washino further teaches the processor is arranged to extract frame data from the frame-random access store as pairs of interleaved fields and to repeat the transfer of one field of each pair to the output circuit thereby causing the output circuit to output the edited sequence at said frame rate of 30 per second (column 9, lines 31-55, column 11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 18, 19, 20-23 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Washino in view of Lang (4,963,995).

Regarding claims 17, 21 and 26 Washino fails to teach using videotape for storing the edited data. However, it is noted that using a video tape for storing the data from another apparatus is well known in the art as taught by Lang. Lang, at figure 2, column 9, discloses an editing apparatus comprises a VTR for receiving and storing the edited data. Therefore, it would have been obvious to one of ordinary skill in the art to modify Washino by using videotape for storing the editing data in order to preserve the edited data for later use.

Regarding claims 18, 22 and 27, Washino as modified with Lang further teaches that the video tape recorder selectively operable to output stored data at either said first frame rate or said second frame rate since Washino teaches means for changing the frame rate of stored data.

Regarding claims 19, 23 and 28, Washino further teaches a user operable input device; and wherein the editing processor is connected to the frame random access store and for processing data representing one or more image frames of one or more initial sequences in response to the user operable input device to produce processed data representing an processed, edited sequence, which processed data is stored in the frame-random access store (column 10, line 25 to column 11 line 68).

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Regarding claims 20 and 29, Washino further teaches an editing system as claimed in claim 19, wherein said one or more initial sequences are captured at a frame rate of 24 per second and each frame comprises 625 image lines, and the input circuit is arranged to receive the data and transfer the same to the store at an input rate substantially corresponding to 25 frames per second and 625 lines (column 9, lines 31-55, column 11, lines 15-45).

Allowable Subject Matter

5. Claims 2-12 and 32-36 are allowed.

Response to Arguments

6. Applicant's arguments filed 7/26/2004 have been fully considered but they are not persuasive.

Applicant argues that Washino does not teach storing the input program in the format in which it was captured to preserve quality and outputs it in another format. In response, the examiner disagrees. It is noted that Washino at column 10, lines 20-45 teaches using a random access store for storing the data of frames of the first format (frame rate 25 frames/ second and 625 lines per frame) the stored first format data is read out and the forward to an editor (processor 416), the editor processes the first format data into a second format data of 30 frames/second and 525 lines per frame.

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Washino teaches that the format of the stored data is the same the format of the input data since they has the same format of 25 frames/ second and 625 lines/frame.

Washino further teaches that the store is a frame random access store since the store stores frames of the first format and the store can be randomly accessed.

Drawings

7. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed 03/29/2000 are informal drawings . Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T NGUYEN
PRIMARY EXAMINER